UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,639	02/15/2007	Larri Vermola	915-002.014	1730

4955   7590   02/06/2009
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ART UNIT	PAPER NUMBER
2426	

MAIL DATE	DELIVERY MODE
02/06/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	**Applicant(s)**
Office Action Summary	10/577,639	VERMOLA ET AL.
	Examiner	**Art Unit**
	AN NGUYEN	2426

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 April 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 April 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *4-28-2006, 8-07-2006, 11-03-2008 and 12/08/2008*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed on April 28, 2006 fails to comply with

the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the submitted

form is missing indication which enables examiner to put signature and date. It

has been placed in the application file, but the information referred to therein has

not been considered as to the merits. Applicant is advised that the date of any

re-submission of any item of information contained in this information disclosure

statement or the submission of any missing element(s) will be the date of

submission for purposes of determining compliance with the requirements based

on the time of filing the statement, including all certification requirements for

statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Objections

Claims 12, and 15-18 are objected to under 37 CFR 1.75(c) as being in

improper form because a multiple dependent claim cannot depend from another

multiple dependent claim.   See MPEP § 608.01(n).

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

3. Claims 1-4 and 18 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

Regarding claims 1-4, a method is disclosed to provide ESG data and

supplementary data by a datacaster. This method is not statutory because it

could be performed without the use of subject matter which falls into one of the

statutory classes, i.e. an apparatus.

Claim 18 recites "a computer program including instructions". A computer

program per se that is not tied to a physical computer readable medium, is not

statutory subject matter.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

5. Claims 1-16, and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated

by Lindqvist et al., US PG Pub # 20030088778.

Regarding claim 1, A method of datacasting, the method comprising

providing electronic service guide (ESG) data relating to one (fig. 8, [0096]) or

more services and providing supplementary data selectively provided by a

datacast operator ([0096]; Lindqvist describes and ESG that contains offerings

and a unique identifier (supplemental data)related to the distribution of the

offering – the identifier shows the user when the content will be distributed).

Regarding claim 2, A method according to claim 1, comprising providing a

main page including at least some of said supplementary data ([0096], the

unique identifier and scheduling information is listed on the ESG main page,

which is the page that contains the listing of the services).

Regarding claim 3, A method according to claim 2, comprising providing

one or more data files including information for locating said main page ([0049],

scheduled files, carouseled files, and instant files; the carouseled files will locate

the ESG service to display the items on the carousel).

Regarding claim 4, A method according to claim 3, wherein said one or

more data files include information for locating at least one service main page

([0049], A session can consist of one or many items of a services (e.g.,

scheduled files, carouseled files, and instant files; as stated, the services are

located on the ESG, corresponding to a service main page)).

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Claim 5 is the computer program to execute the steps of any of claims 1-4,

and is analyzed and rejected accordingly.

Claim 6 is the system to execute the steps of claim 1, and analyzed and rejected accordingly.

Claim 7 is the apparatus to execute the steps of claim 1 and is analyzed and rejected accordingly.

Claim 8 is the processor configured to execute the steps of claim 1, and is analyzed and rejected accordingly. The system of Lindqvist inherently is run by a processor.

Regarding claim 9, A method of operating a terminal for receiving datacast services, the method comprising receiving electronic service guide (ESG) data relating to one or more services and receiving supplementary data provided by a datacast operator (fig. 8, [0088], [0096], a listing could be referred to as an electronic service guide (ESG) and user may select items from this schedule for viewing, download, or the like according to receiving supplementary data supplied by datacast operator).

Regarding claim 10, A method according to claim 9, comprising receiving at least some of said supplementary data in preference to receiving said ESG data ([0096], a listing could be referred to as an electronic service guide (ESG).

The terminal offerings module may be associated with each listed distribution the unique identifier (corresponding to supplementary data) relating to that distribution according to reference to receiving ESG data).

Regarding claim 11, A method according to claim 9 or 10, comprising using said supplementary data to locate said ESG data ([0119], a user could navigate such a tree to find leaves corresponding to items (e.g., programs, services, and/or the like) of interest according to supplementary data to locate ESG data).

Claim 12 is analyzed and rejected on the same grounds as claim 2 &9.

Claim 13 is analyzed and rejected on the same grounds as claim 3&9.

Claim 14 is analyzed and rejected on the same grounds as claim 4&9.

Regarding claim 15, A method according to any one of claims 9 to 14, further comprising receiving datacast data via a first network, receiving data from a second, different network and displaying at least some of said datacast data and at least some of said data (fig. 8, [0088] each network area contains a broker module that receives messages from both a global caster module and the local caster module corresponding to that area).

Regarding claim 16, A method according to any one of claims 9 to 15,

comprising displaying a list of services and selecting one ([0096] the service

offerings are listed for user selection) or more services.

Claim 18 is the computer program to execute the method of claims 9 to 17

and is analyzed and rejected accordingly.

Claim 19 is analyzed and rejected on the same grounds as claim 1.

Claim 20 is analyzed and rejected on the same grounds as claim 1. A

user inherently uses a terminal to receive the ESG data.

Regarding claim 21, A terminal according to claim 20 comprising means

for receiving datacast transmissions and means for communicating with public

land mobile network([0162]-[0166], cellular phone, PDA) .

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lindqvist

in view of Dale et al, (US 20040022307).

Regarding claim 17, Lindqvist discloses a method according to any one of

claims 9 to 16, however fails to disclose intermittently switching on a receiver to

receive one or more time-sliced bursts of data and switching off said receiver.

Dale discloses generating a power on/off control signal at a receiver when a data

burst is detected ([0091]). It would have been obvious to one of ordinary skill in

the art at time the invention was made to apply the teaching of Dale of cycling

power at a receiver to the system of Lindqvist that receives data in the form of an

ESG, in order to save power when there is no incoming data on a device such as

a cell-phone with limited power as is used in the system of Lindqvist ([0162-

0166], cellular phone, PDA).

Conclusion

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to AN NGUYEN whose telephone number is

(571)270-5676. The examiner can normally be reached on Mon-Fri: 8:00 AM-

5:30 PM; off alternative Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone

number for the organization where this application or proceeding is assigned is

571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

/AN NGUYEN/
Examiner, Art Unit 2426

AVN

/VIVEK SRIVASTAVA/
Supervisory Patent Examiner, Art Unit 2426